

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1788 be amended to read as follows:

- 1 Page 2, between lines 26 and 27, begin a new paragraph and insert:
- 2 "SECTION 3. IC 6-7-2-24 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2003]: **Sec. 24. A retailer shall produce an invoice or other**
- 5 **documentary evidence proving that the retailer obtained cigarettes**
- 6 **or a tobacco product as defined in IC 6-7-2-5 from a distributor**
- 7 **that holds a valid registration certificate.**
- 8 (b) Each day during which a retailer fails to produce an invoice
- 9 or other evidence under subsection (a) constitutes a separate
- 10 violation of this section.
- 11 (c) This subsection applies in addition to or instead of any other
- 12 civil or criminal penalty. The department or the Alcohol and
- 13 Tobacco Commission may impose on a retailer that violates
- 14 subsection (a) a civil penalty that does not exceed the greater of:
- 15 (1) five hundred percent (500%) of the retail value of the
- 16 cigarettes described in subsection (a); or
- 17 (2) five thousand dollars (\$5,000);
- 18 for each violation.
- 19 (d) In addition to any other penalty described in this section, the
- 20 department or the Alcohol and Tobacco Commission may seize the
- 21 cigarettes or other tobacco products for which the retailer is
- 22 unable to produce the invoice or documentary evidence described
- 23 in subsection (a). The seized cigarettes or other tobacco products
- 24 shall be forfeited to the state and destroyed.
- 25 (e) Civil penalties collected under this chapter shall be deposited
- 26 as follows:
- 27 (1) Seventy percent (70%) to the enforcement and
- 28 administration fund established under IC 7.1-4-10.
- 29 (2) Thirty percent (30%) to the state general fund for the use
- 30 of the department of state revenue.".
- 31 Page 6, delete lines 18 through 42.
- 32 Page 7, delete lines 1 through 27.

- 1 Renumber all SECTIONS consecutively.
(Reference is to EHB 1788 as reprinted March 25, 2003.)

Senator WEATHERWAX